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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-201740

DATE: February 9, 1981

MATTER OF: Mid America Movers, Inc. CNG00571

DIGEST:

[Protest questioning low bidder's responsibility]
in light of bidder's filing under Chapter XI
of Bankruptcy Act and prior convictions for
fraud of some of its officers is dismissed
because GAO does not review affirmative deter-
minations of responsibility except under cir-
cumstances not applicable here.

DLC06043

Mid America Movers, Inc. protests the proposed award of a contract by the Department of the Army under invitation for bids (IFB) DAKF 19-81-B-0006 to the apparent low bidder, Coleman American. Mid America contends that because Coleman has filed for bankruptcy under Chapter XI of the Bankruptcy Act, 11 U.S.C. § 1101 et seq. (Supp. III 1979), it is financially nonresponsible and should not receive this contract. Mid America further contends that officers of the low bidder had previously entered guilty pleas to charges of fraud against the Government. AGC000

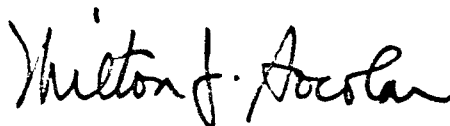
Our Office will not review protests of affirmative determinations of responsibility unless fraud is alleged on the part of procuring officials or the solicitation contains definitive responsibility criteria which allegedly have not been applied. Federal Data Corporation, B-196643, November 14, 1979, 79-2 CPD 353. Neither exception is applicable here and consequently we will not consider this protest.

We point out, however, that the mere fact that a contractor files a petition in bankruptcy under Chapter

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XI of the Bankruptcy Act does not require a finding of non-responsibility. Hunter Outdoor Products, Incorporated, 54 Comp. Gen. 276 (1974), 74-2 CPD 207, and cases cited therein. Neither does a prior conviction for fraud. B-169070, April 24, 1970. See also B-166118, March 28, 1965.

The protest is dismissed.

A handwritten signature in cursive script, reading "Milton J. Socolar".

Milton J. Socolar
General Counsel